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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/590,020

10/23/2006

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01/31/2012

EXAMINER

JUSKA, CHERYL ANN

ART UNIT

PAPER NUMBER

1798

MAIL DATE

DELIVERY MODE

01/31/2012

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/590,020	Applicant(s) ROKKJAER, RENNO HJORTH	
	Examiner CHERYL JUSKA	Art Unit 1798	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 12-35 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 12-35 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed November 14, 2011, has been entered. Claims 12, 16, 17, 20-22, 25, 27, 30, and 33-35 have been amended as requested. Claims 1-11 have been cancelled. Thus, the pending claims are 12-35.
2. Said amendment is sufficient to withdraw the 112, 2nd rejection set forth in sections 5 and 6 of the last Office Action (Non-Final Rejection mailed 08/12/2011).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claim 12 is indefinite for the recitation of "fixing the front side of the felt backing to the back side of the semi-finished carpet pile product" and subsequently after a rolling and unrolling step of the fixed layers, "forming a carpet web by coating the back side of the semi-finished carpet pile product with the front side of the felt." It is unclear how the fixing step differs from the coating step. Specifically, it appears the "coating" step is merely another way to describe the "fixing" step.

Claim Rejections - 35 USC § 102

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 27 and 30 stand rejected under 35 U.S.C. 102(e) as being anticipated by US 2004/0253410 issued to Higgins et al. as set forth in section 8 of the last Office Action.

Independent claim 30 has been amended to limit the curable polymer layer to a latex, wherein said curable polymer layer provides dimensional stabilization and rigidity when cured. Independent claim 27 includes a similar new limitation and further limits the latex to a styrene butadiene latex. However, said amendments are insufficient to overcome the standing rejection since Higgins teaches the friction enhancing layer coated on the underside of a felt layer may be a latex, such as styrene butadiene rubber (section [0123]). Additionally, it is asserted that the friction enhancing latex coating of Higgins, upon curing, will inherently provide at least some degree of dimensional stability and rigidity over the non-coated carpet tile. Note applicant does not limit the degree of dimensional stability or rigidity in a quantitative or even qualitative manner. Hence, applicant's amendments are insufficient to overcome the standing rejection of claims 27 and 30.

Claim Rejections - 35 USC § 103

8. Claims 12-26, 28, 29, and 31-35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US 2004/0253410 issued to Higgins et al. in view of US 2009/0081406, US

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2007/0154672, and/or US 2004/0022994, all issued to Higgins et al. as set forth in section 10 of the last Office Action.

Independent claim 12 has been amended to include the steps of “fixing the front side of the felt backing to the back side of the semi-finished carpet pile product” and “rolling the semi-finished carpet pile product and the felt backing” prior to unrolling said pile product and felt backing. Claim 12 has also been amended to limit the curable polymer layer to a latex, wherein said curable polymer layer provides dimensional stabilization and rigidity when cured.

Regarding the latter amendment, as noted above, Higgins’410 teaches the friction enhancing coating may be a styrene butadiene latex. Also, Higgins’ friction enhancing coating will inherently add some degree of dimensional stability and rigidity when cured, especially in comparison to a like carpet tile without said coating.

Regarding the former amendment, while Higgins teaches the step of fixing the felt backing to the semi-finished carpet pile product, the reference does not explicitly teach the rolling and unrolling steps of the semi-finished carpet pile product and the felt backing.

However, as arguing with the steps of rolling and unrolling the carpet web, said rolling steps would have been readily obvious to a skilled artisan. Specifically, textile webs involved in the making of carpets and carpet webs are commonly rolled for storage and/or transport from one process line to another. For example, as a carpet is tufted (e.g., greige carpet or semi-finished carpet pile product), it is rolled upon a beam for storage before transferring to a backcoating station or other station where a secondary backing or other laminate layer is joined thereto. Similarly, the secondary backing (e.g., felt backing) is prepared and stored on a roll until transfer to a station for joining to the semi-finished carpet pile product. Furthermore, once a carpet web

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is produced from the combination of the greige carpet and the secondary backing, it is commonly rolled until further use as a final broadloom carpet product or for further processing into carpet tiles. See, for example, Higgins '406, Figures 6 and 9, sections [0220] - [0222] and [0233] - [0252], Higgins '672, Figures 14A and 14B, section [0082], and Higgins '994, Figure 2, section [0127]. Thus, it would have been readily obvious to one of ordinary skill in the art to employ the rolling and unrolling steps of the semi-finished carpet pile product and the felt backing in order to facilitate the manufacture of the Higgins carpet tile by transferring the roll to the next station. Therefore, applicant's amendments are insufficient to overcome the rejection of the claims by the cited Higgins references.

Dependent claim 25 has been amended to further limit the latex to being coated on with an aqueous solution having a dry matter percentage of 51.1% of a modified styrene butadiene latex polymer in an amount between 50 and 500 g dry matter/m². While Higgins fails to explicitly teach the claimed dry matter percentage and weight, it would have been obvious to one of ordinary skill at the time of the invention to determine an appropriate dry matter percentage and weight in order to provide the desired overall thickness, frictional properties, and/or dimensional stability. It has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 205 USPQ 215. Thus, claim 25 is also stands rejected over the cited prior art.

Independent claim 35 has been amended to limit the latex to a styrene butadiene latex, wherein the cured latex provides dimensional stability and rigidity. However, as discussed above, said amendments are insufficient to overcome the standing rejection.

Response to Arguments

9. Applicant's arguments filed with the amendment have been fully considered but they are not persuasive.

10. Applicant argues that the prior art fails to teach or suggest the invention as presently claimed (Amendment, page 8, 2nd paragraph – page 10, 3rd paragraph). Specifically, applicant states the present invention has been amended to differentiate the present cured polymer from the friction enhancing layer of Higgins (Amendment, page 8, 3rd paragraph). However, the examiner respectfully disagrees the amended claims render the present invention patentable distinct from the prior art for the reasons set forth above. Thus, applicant's arguments are found unpersuasive and the above rejections stand.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

12. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Juska whose telephone number is 571-272-1477. The examiner can normally be reached on Monday-Friday 10am-6pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner can be emailed at cheryl.juska@uspto.gov or the examiner's supervisor, Angela Ortiz can be reached at 571-272-1206. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cheryl Juska/
Primary Examiner
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